

CLASSIFICATION OFFICE DECISION

Title of publication: 67f78bc4550d96da4247c1c4b9540519.12[1]

Other known title(s): Not stated

OFLC ref: 1900046.006

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Waitakere District Court

Classification:	Unrestricted.
------------------------	---------------

Descriptive note: None

Display conditions: None

Date of entry in Register: 28 February 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The image depicts two topless people who are likely kissing, or otherwise in an affectionate embrace, though their activity is unclear. The subjects are likely male, but as most of their facial features are obscured and very little of their bodies is visible, their age cannot be determined definitively. The publication does not contain sufficient elements that would render it “reasonably capable of being regarded as sexual in nature” and cannot be considered as a "matter of sex" under s3(1) of the Films, Videos, and Publications Classification Act 1993. It does not deal with any other matters under s3(1), nor any matters s3A or s3B. Therefore, the image must be classified as unrestricted. This decision is consistent with the right to freedom of expression as affirmed by the New Zealand Bill of Rights Act 1990.